

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JAMES CHELSEY PATE,**  
    **Petitioner,**

**v.**

**WALTER MYERS, *et al.*,**  
    **Respondents.**

)  
)  
)  
)  
)  
)  
)

**CIVIL ACTION 10-00527-KD-B**

**ORDER**

This matter is before the Court on the Petitioner's voluntary "Motion to Withdraw Petition" (Doc. 19). Specifically, the Petitioner requests that the Court allow him to withdraw his habeas corpus petition (Docs. 1, 2) without prejudice, so that he may pursue his Rule 32 petition in state court.

Upon consideration, it is **ORDERED** that the Petitioner's voluntary Motion to Withdraw (Doc. 19) is **GRANTED** and this case is accordingly **DISMISSED** without prejudice.

**DONE and ORDERED** this the 15<sup>th</sup> day of **June 2011**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**